

Patent
Attorney Docket No. 74239

REMARKS

In response to the outstanding Restriction Requirement, Applicants elect Group I, Claims 1-6, drawn to a method of producing a molecularly-imprinted peptide material, classified in class 530, subclass 334, for further prosecution on the merits.

Responsive to the election requirement for a single peptide as among those set forth in claims 2, 4, and 9, Applicants do not maintain that these variants are patentably distinct. Instead, Applicants contend that independent claim 1 is patentable and pending claims 2 and 4 dependent thereon set forth variants of peptides according to the patentable method. Claim 9 has been withdrawn.

Responsive to the requirement for election as between species set forth as: "disposable surface activated support; and monomer mixture," this requirement is respectfully traversed. Dependent claim 5 specifies a further limitation on the materials which may form the support of claim 1. The method of claim 1 is patentable irrespective of the support used and claim 5 merely provides materials which may form preferred embodiments in the method of the invention.

Dependent claim 6 sets forth particular materials which may form the monomer mixture. The method of claim 1 is patentable irrespective of the mixture used and claim 6 merely provides mixtures which may form preferred embodiments in the method of the invention.

As claims 5 and 6, those claims separately setting forth the two alleged species presented for election, are proper dependent claims under 35 U.S.C. §112, fourth paragraph, and do not present separate species of the invention, an election requirement is improper. However, in order to provide a complete response to the outstanding action, Applicants provisionally elect the disposable surface activated support species, with traverse. Claim 5 has been amended to correct a typographical error and to clarify the claim scope, support for the revision can be found in the specification at page 4, lines 1-4.


Applicants maintain their right to rejoin non-elected subject matter and/or pursue it in one or more separate divisional applications.

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If necessary to effect a timely response, this paper should be considered as a Petition for Extension of Time sufficient to effect a timely response, please charge any fees to Deposit Account No. 501249.

Respectfully Submitted,

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